

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	No. 03-10370-DPW
v.)	
)	
3. GARY NEWELL,)	
)	
Defendant.)	

**MOTION FOR A SHORT ENLARGEMENT OF TIME IN WHICH TO RESPOND
TO MOTIONS FILED BY GARY NEWELL**

The United States of America, by its attorneys, United States Attorney Michael J. Sullivan, and Assistant U. S. Attorney Rachel E. Hershsfang, hereby respectfully seeks an additional nine days in which to respond to three motions filed by defendant Gary Newell ("Newell"). These responses are currently due on Monday, December 20; the undersigned seeks until Wednesday, December 29 to respond.

Counsel for Newell has indicated her assent to this motion.

In support of the motion, the government states as follows:

1. Newell has filed three motions attacking the search of his truck and seizure of money found therein;
2. At the same time, counsel for codefendants Jose Vezga and Douglas Bannerman filed motions to suppress, the responses to which are due on the same day;
3. The undersigned is also responding to a motion to suppress in another case, United States v. Luis de la Cruz, 01-10118-REK, a heroin overdose case that is set

for trial on January 10, 2005; and

4. the defendant is not in custody, and will not be prejudiced by the short delay.

Accordingly, the government respectfully requests that the Court allow the government's oppositions to Newell's motions to be filed on December 29, instead of December 20.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Rachel E. Hershfang
RACHEL E. HERSHFANG
Assistant U.S. Attorney

Dated: December 17, 2004